THE HON'BLE MR JUSTICE RAMESH RANGANATHAN

WRIT PETITION No.21369 of 1996

Dated 16-04-2007

Between:
S.V.S.Bhavanarayana.

..... PETITIONER

AND

The A.P.S.E.B. rep. By its Member Secretary, Vidyuth Soudha,Somajiguda, Hyderabad & another.

.....RESPONDENTS

THE HON'BLE MR JUSTICE RAMESH RANGANATHAN

WRIT PETITION No.21369 of 1997

O R D E R:

While Sri N.V.Sumanth, learned counsel appearing on behalf of M/s.Indus Law Firm, learned counsel for the petitioner, would raise several contentions, the writ petition is required to be allowed on the short ground that the impugned memo dated 18-09-1996 was passed without notice to the petitioner and without giving him an opportunity of being heard.

In the impugned memo dated 18-09-1996 issued by the second respondent, after a reference is made to the earlier memos dated 23-03-1994 and 13-07-1995, whereby the petitioner was held to have commenced his probation retrospectively from 09-10-1986 and to have satisfactorily completed his probation by 27-10-1988, the petitioner's probation was cancelled in view of the board memos dated 06-07-1991 and 11-11-1991.

While the respondents, in their counter affidavit, seek to justify the impugned memo dated
18-09-1996 on merits, it is not in dispute that the said orders were passed without putting the petitioner on notice and without giving him an opportunity of being heard. The impugned proceedings are, therefore, liable to be quashed for violation of principles of natural justice. Needless to state that this order shall not preclude the respondents herein from putting the petitioner on notice, giving him an opportunity of being heard and, thereafter, take action in accordance with law.

The Writ Petition is accordingly allowed. No order as to costs.

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16-04-2007

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